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Paper No. . 15

In re Application of
Marc Feinberg *et al*
Application No. 10/016,240
Filed: December 10, 2001
Attorney Docket No. ETH-1605

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: DECISION ON PETITION
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This is a decision on the petition filed on February 26, 2004 by which petitioners request withdrawal of the holding that this application stands abandoned for failure to file a timely and proper reply to the Office letter dated May 20, 2003. The petition is considered pursuant to 37 CFR 1.181, and no fee is required.

The petition is granted.

Petitioners allege that the application is not abandoned because a timely and proper reply to the Office letter in question was in fact filed. In support of this allegation, petitioners have furnished a copy of the reply, a copy of a petition for a one month extension of time that includes an authorization to charge the extension fee, and a copy of a post card receipt acknowledging that these papers were received in the Office on June 27, 2003. It is clear, from this evidence that the application is not abandoned for failure to file a proper and timely reply to the Office letter dated May, 2003. In addition, Office financial records show that the fee for the extension of time was received and applied.

Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forwarded to the examiner for action on the reply filed on June 27, 2003

PETITION GRANTED.

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